

JP:BGK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M09-0810

- - - - - X

UNITED STATES OF AMERICA

- against -

GARY MCINTOSH,

Defendant.

TO BE FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR ARREST
WARRANT

(18 U.S.C. § 912)

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EDWARD CAREY, being duly sworn, deposes and says that he is a Special Agent with Immigration and Customs Enforcement, Office of Professional Responsibility, ("ICE"), Department of Homeland Security, duly appointed according to law and acting as such.

On or about June 13, 2009, within the Eastern District of New York and elsewhere, the defendant falsely pretended to be an officer of the United States Department of Homeland Security and acted as such, in violation of Title 18, United States Code, Section 912.

(Title 18, United States Code, Section 912.)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this affidavit is to merely establish probable cause, I have not set forth all of the facts and circumstances of which I am aware.

1. I have been a Special Agent with ICE for approximately thirteen years. In that capacity, I have participated in the investigation of defendant GARY McINTOSH. Information contained in this affidavit is based on interviews of and conversations with other law enforcement and government personnel, and a review of various documents and reports.

2. On or about June 13, 2009, defendant placed a call to New York City 911 Center identifying himself as an "FBI Agent" in need of assistance. The defendant was calling from his cell phone at a service station located at 1515 Bedford Avenue, Brooklyn, New York. The defendant requested the 911 operator to dispatch police officers to the scene of the service station.

3. Numerous New York City Police Officers responded to the service station. At the time the officers responded, the defendant was involved in an altercation with a service station employee. Upon arriving, the defendant identified himself as Ronald Kish, an attorney with the U.S. Department of Homeland Security, and displayed a gold shield and a U.S. Department of Homeland Security credential, number C005637, in the name of Ronald Kish. The credential had the defendant's photograph affixed. The responding officers' requested to examine the defendant's credential, at which time the defendant complied. While the officers were attempting to verify the validity of defendant's credentials, the defendant fled the scene with the

gold shield still in his possession. The officers were not able to apprehend the defendant.

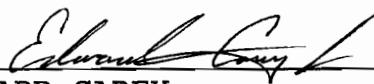
4. An individual by the name of Ronald Kish is currently employed as an attorney with the U.S. Department of Homeland Security. Mr. Kish discovered his credential, number C005637, and shield missing and was subsequently reissued new credentials by the Department of Homeland Security. Mr. Kish was shown the seized credentials with the defendant's photograph affixed to it and confirmed that the document was not legitimate and fraudulently obtained.

5. The defendant is not employed by the U.S. Department of Homeland Security or the FBI.

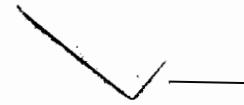
6. On or about June 14, 2009, the defendant was identified in a photographic array by a responding New York City Police Officer as being the individual that presented the credential in the name of Ronald Kish to law enforcement officials at the service center on June 13, 2009.²

² The photograph of the defendant used in the photographic array was taken from the defendant's immigration file.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant GARY McINTOSH so that he may be dealt with according to law.


EDWARD CAREY
Special Agent
Immigration and Customs Enforcement

Sworn to before me this
12th day of August, 2009


UDGE
RK